REMARKS

With entry of this amendment, claims 1-20 are pending. Claims 13-19 are withdrawn from consideration. Claims 1-12 were rejected. Amendment has been made to claims 1-2 to further clarify the claimed invention and claims 8-12 have been canceled. New claim 20 depends from claim 1 and recites that suppression of T-lymphocytes is achieved by irradiation. Support for the amendments can be found throughout the specification, in particular at page 8 in the second full paragraph. No new matter has been added. Reconsideration is requested.

(1) Rejection Under 35 U.S.C. § 112, first paragraph, for lack of written description

Claims 1-12 are newly rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is traversed for the following reasons.

It is the Examiner's position that the expression "immature T lymphocyte" is not supported by the specification as filed, and is therefore new matter. Applicants respectfully submit that the above amendment is supported by the description of the specification as filed and therefore is not new matter. The basis for amending the term "fetal T lymphocytes" to "immature T lymphocytes" is at page 8, lines 3-11 of the specification as filed, where the specification describes, "...of the present invention means **T lymphocytes before they develop to mature T lymphocytes**," which clearly means **immature lymphocytes**. The Cambridge and the Oxford online dictionaries respectively define the meaning of the term "immature" as "not yet completely grown or developed" and "not fully developed". We therefore submit that the term "immature" is sufficiently supported by the above description in the specification as filed. In addition, it is noted that PCT application /JP00/06379 (19/9/2000), the priority document whose translation was subsequently filed with the USPTO in the US national phase, originally recites the term being argued as "yojaku T rimpakyu" which corresponds to the English term "immature T lymphocyte". However, the translation reads "fetal T lymphocyte," which corresponds to the Japanese term "taiji T rimpakyu" that does not precisely reflect the meaning of

the original Japanese term "yojaku" (immature). It is respectfully submitted that the term "fetal T lymphocytes" was not the most correct choice in the translation of the Japanese, and that "immature T lymphocytes" is correct. A Declaration by Emiko Oku, a translator familiar with both English and Japanese, is attached in support of this position. For all of these reasons, it is respectfully submitted that the term "immature T lymphocytes" is not new matter. Reconsideration and withdrawal of the rejection is respectfully requested.

(2) Rejection Under 35 U.S.C. § 112, first paragraph, for lack of enablement

Claims 1-12 have been rejected under 35 USC § 112, first paragraph, as not being enabled. To the extent that this rejection may be considered applicable to the claims presently under examination, it is traversed for the following reasons.

The claims presently encompass a method of acquiring immunological tolerance to a foreign DNA and/or its expression product comprising providing an immature T lymphocyte transfected with the foreign DNA; introducing the immature T lymphocyte into thymus wherein existing T lymphocytes are suppressed; and subsequently expressing said foreign DNA in thymus during differentiation and maturation of the immature T lymphocyte in the thymus to reconstitute the immune system. The method is clearly enabled by the description in the specification and the examples, e.g. as follows.

Embodiments 2-5 of the specification describe an example of the harvest of mouse thymus lobes and culture to obtain a single cell suspension of immature T-lymphocytes. Embodiment 6 describes an example of production of virus producer cells. Example 7 describes production of virus-infected immature T lymphocytes. Embodiment 8 describes introducing these lymphocytes into mice to obtain transferred-gene expression. The results are shown in Figure 3. It is clear that when the treated mice were intraperitoneally injected with pGD-GFP retrovirus-transferred splenocytes, anti-GFP antibody scarcely developed, in contrast to the control mice. From this description and the results obtained, it is respectfully submitted that the

presently claimed invention is clearly enabled. Reconsideration and withdrawal of the rejection are respectfully requested.

All rejections having been addressed, it is respectfully submitted that this application is in condition for allowance, and Notice to that effect is respectfully requested.

Respectfully submitted,

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